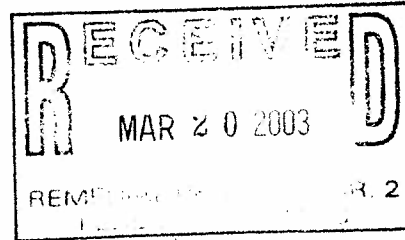




Law Department
1700 S. Patterson Blvd., WHQ-5E, Dayton, Ohio 45479
Telephone 937-445-9787 Fax 937-445-9997

March 18, 2003

U.S. Environmental Protection Agency
Deena Sheppard-Johnson, SR-6J
Remedial Enforcement Support Section
77 West Jackson Blvd.
Chicago, IL 60604-3590




RE: South Dayton Dump
1976 Dryden Road (aka) Springboro Pike, Moraine, Ohio

Dear Ms. Sheppard-Johnson:

Enclosed please find NCR Corporation's response to USEPA Region V's Request for Information concerning the South Dayton Dump dated January 8, 2003. Please contact me if you require further information.

Sincerely,


Susan R. Chema, Esq.
Chief Litigation Counsel

CC: Roger McCready, Global Environment, Health & Safety, NCR
Larry Silver, Esq., Langsam Stevens & Silver LLP

**RESPONSE OF NCR CORPORATION TO THE
UNITED STATES ENVIRONMENTAL PROTECTION
INFORMATION REQUEST**

NCR Corporation ("NCR") hereby responds to the January 8, 2003 Request for Information ("Information Request") from the United States Environmental Protection Agency - Region 5 ("EPA"). The Information Request was received by NCR on January 14, 2003. EPA extended the response date to March 19, 2003 as reflected in emails from Thomas Nash dated February 7 and March 11, 2003.

General Objections

1. NCR objects to the Instructions and Definitions contained in the Information Request on the ground that they impose obligations greater than those otherwise required by law. In particular, and without limitation, NCR objects to Instructions No. 5 (first sentence), No. 7 (especially with regard to "all information and documents ... in the possession or control of your ... former employees") and No. 8.

2. NCR objects to the Information Request to the extent it seeks information that is not calculated to discover relevant information.

3. NCR objects to the Information Request to the extent that it is unduly burdensome, oppressive, overbroad, and unreasonable. In particular, and without limitation, NCR objects to Instructions No. 5 (first sentence) and No. 7 (especially with regard to "all information and documents ... in the possession or control of your ... former employees").

4. NCR objects to the Information Request to the extent it seeks information protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or rule that protects such information from disclosure.

Without waiving the foregoing and subject to the additional specific objections in NCR's individual responses, NCR responds as follows:

Specific Responses

NCR incorporates its General Objections into each of its responses.

Question No. 1:

Identify all persons consulted in the preparation of the answers to these Information Requests.

Answer: The following persons were consulted in the preparation of these answers:

Roger McCready
Corporate Environmental Engineer
Global Environment Health & Safety
Business Law & Compliance Group
Law Department
NCR Corporation

William West
Retired-Former NCR Archivist

William S. Brewer, Ph.D. – former EH&S Director, NCR Corporation
Occupational & Environmental Safety Office, Environmental Programs
131 Environmental Safety Building
Duke University Medical Center
Research Drive
Durham, North Carolina 27710

Walter Trimbach,
Retired-NCR Employee

Clay Lowe
Retired-NCR Employee

Marion Campbell
Retired-NCR Employee

Question No. 2:

Identify all documents consulted, examined or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.

Answer: All such non-privileged documents are attached. The documents provided are self-identifying.

Question No. 3:

If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Requests or who may be able to provide additional responsive documents, identify such persons.

Answer: No.

Question No. 4:

List the EPA Identification Numbers of the Respondents.

Answer: NCR currently has EPA Identification Numbers for several of its facilities within the United States. Facilities in the Dayton area have had RCRA ID numbers for "small quantities generation" primarily related to facility maintenance. Exhibit 1 contains a listing from EPA's IDEA database for NCR facilities that have or had EPA identification numbers.

Question No. 5:

Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants, (e.g., solid, liquid) and damages resulting there from.

Answer: None known.

Question No. 6:

Identify all persons having knowledge of information about the generation, transportation, treatment, disposal or other handling of material at the Site.

Answer: Clay Lowe – Retired NCR employee

Walter Trimbach – Retired NCR employee

Question No. 7

Identify all persons, including yourself, who may have arranged for disposal or treatment, or arranged for transportation for disposal or treatment, of waste materials, including hazardous substances, at the Site.

Answer: NCR may have self-hauled waste materials to the Site or to a location near or adjacent to the Site in the late 1940s and early 1950s. Retired NCR employees report hauling general wastes from the NCR facility in Dayton to the “Broadway Landfill” in the early 1950s. They identified the location of the Broadway Landfill as being at or near to the location narratively described as the Site in the “Site History” section of the Information Request. (EPA did not provide a Site map with the Information Request.)

In addition, identify the following:

- a. The person with whom you or such persons made such arrangements;*

Answer: Not applicable.

- b. Every Date on which such arrangements took place;*

Answer: Unknown.

- c. For each transaction, the nature of the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;*

Answer: Unknown.

- d. The owner of the waste materials or hazardous substances so accepted or transported;*

Answer: NCR may have hauled its own waste to the Broadway Landfill, as described above in answer to the introductory part of Question No. 7.

- e. The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;*

Answer: NCR may have self-hauled waste in dump trucks to the Broadway Landfill. The frequency and duration of hauling and total quantity is unknown.

f. All tests, analyses, and analytical results concerning the waste materials;

Answer: None known.

g. The person (s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;

Answer: To the extent NCR self-hauled to the Broadway Landfill, it is probable that NCR selected the location for its waste.

h. The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;

Answer: Unknown.

i. Where the person identified in g., above, intended to have such hazardous substances [o]r waste materials transported and all evidence of this intent;

Answer: See answer to Question No. 7(g) above.

j. Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment of disposal;

Answer: Unknown, but unlikely that self-hauled waste materials were transshipped.

k. What was actually done to the waste materials or hazardous substances once they were brought to the Site;

Answer: Unknown.

- l. The final disposition of each of the waste materials or hazardous substances involved in such transaction;*

Answer: See answer to the introductory portion of Question 7.

- m. The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the waste materials and hazardous substances involved in each transaction;*

Answer: As applied here, the question is unclear. Any disposals at the Broadway Landfill occurred approximately 50 or more years ago. NCR spoke to former employees involved in NCR waste-hauling to the Broadway Landfill to gather information about the method and means of disposal. NCR could not locate any non-privileged documents that pertain to its waste-hauling to the Broadway Landfill.

- n. The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;*

Answer: NCR objects to the Request as vague and susceptible to multiple interpretations. (There appears to be an erroneously repeated phrase in the Request.) Notwithstanding the objection, NCR self-hauled wastes in dump trucks. NCR is not aware whether there were markings on the dump trucks.

- o. The price paid for (i) transport, (ii) disposal, or (iii) both of each waste materials and hazardous substances;*

Answer: Not applicable as to transport, to the extent that NCR self-hauled to the Broadway Landfill. Unknown as to disposal.

- p. All documents containing information responsive to a-o above, or in lieu of identification of all relevant documents, provide copies of all such documents;*

Answer: NCR could not locate any non-privileged documents responsive to a-o above.

- q. All persons with knowledge, information, or documents responsive to a-p above.*

Answer: Walter Trimbach and Clay Lowe, both retired NCR-employees have responsive knowledge and information.

Question No. 8

Identify all liability insurance policies held by Respondent from 1939 to the present. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, nonsudden, or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies. Provide copies of all income tax returns sent to the Federal Internal Revenue in the last three years.

Answer: Exhibit 2 is a listing of all NCR's primary liability insurance policies held from Pre-1962 and 1962 through 1999. Due to the voluminous nature and quantity of NCR's insurance policies it is impractical to provide that information in this response. Please contact NCR to arrange for viewing these documents. NCR makes no legal conclusion about whether any coverage is applicable or available.

Question No. 9

If Respondent is a Corporation, respond to the following requests:

a. Provide a copy of the Articles of Incorporation and Bylaws of the Respondent

Answer: Exhibit 3 contains NCR's Articles of Incorporation and Bylaws.

b. Provide Respondent's financial statements for the past five fiscal year, including, but not limited to those filed with the Internal Revenue Service and Securities and Exchange Commission.

Answer: Exhibit 3 also contains NCR's financial statements for the past five fiscal years.

c. Identify all the Respondents current assets and liabilities and the person who currently own or are responsible for such assets and liabilities.

Answer: NCR's current assets and liabilities are represented by the NCR balance sheet provided in the financial statements. NCR Corporation is a publicly traded company with over 96,000,000 shares outstanding and approximately 507,000 shareholders.

d. Identify the Parent Corporation and all Subsidiaries of the Respondent.

Answer: NCR Corporation has approximately 180 subsidiaries, branches, and affiliate relationships worldwide as detailed on the attached exhibit 3.

Question No. 10

If Respondent is a Partnership, provide copies of the Partnership Agreement.

Answer: Not applicable.

Question No. 11

If Respondent is a Trust, provide all relevant agreements and documents to support this claim.

Answer: Not applicable.

Question No. 12

If Respondent is leasing property from Ms. Grillot or Ms. Boesch how long have you been leasing this property.

Answer: Not applicable.

Question No. 13

Respondent please provide any information you may have on the prior leases.

Answer: Not applicable.

I certify that that this document and all enclosures were prepared under my direction and supervision and that the information submitted is to the best of my knowledge and belief, true, accurate, and complete.

A handwritten signature in black ink, appearing to read "S. R. Chema", is written over a horizontal line.

Susan R. Chema
Chief Litigation Counsel
NCR Corporation

